

Notice of Allowability

Application No.

10/659,530

Examiner

David T. Beck

Applicant(s)

CHANG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to the application filed on 9/10/03.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 9/10/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/23/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Kuller on June 6, 2005.

The application has been amended as follows:

9. A The process for preparing poly(trimethylene terephthalate) bicomponent self-crimping yarn comprising poly(trimethylene terephthalate) bicomponent filaments by the process of claim 8, comprising (a) preparing the partially oriented poly(trimethylene terephthalate) multifilament yarn ~~by the process of claim 8~~, (b) winding the partially oriented yarn on a package, (c) unwinding the yarn from the package, (d) drawing the bicomponent filament yarn to form a drawn yarn, (e) annealing the drawn yarn, and (f) winding the yarn onto a package.

13. A process for preparing fully drawn yarn comprising crimped poly(trimethylene terephthalate) bicomponent fibers, comprising the steps of: (a) providing two different poly(trimethylene terephthalate)s differing in intrinsic viscosity (IV) by about 0.03 to about 0.5 dl/g, wherein at least one of the poly(trimethylene terephthalate)s comprises styrene polymer dispersed throughout the poly(trimethylene terephthalate); (b) melt-spinning the poly(trimethylene terephthalate)s from a spinneret to form at least one bicomponent fiber having either a side-by-side or eccentric sheath-core cross-section; (c) passing the fiber through a quench zone below the spinneret; (d) drawing the fiber at temperature of about 50 to about 170.degree. C. at a draw ratio of about 1.4 to about 4.5; (e) heat-treating the drawn fiber at about 110 to about 170.degree. C.; (f) optionally interlacing the filaments; and (g) winding-up the filaments.

17. A process for preparing poly(trimethylene terephthalate) self-crimped bicomponent staple fiber comprising: (a) providing two different poly(trimethylene terephthalate)s differing in intrinsic viscosity by about 0.03 to about 0.5 dl/g, wherein at least one of them comprises styrene polymer dispersed throughout the poly(trimethylene terephthalate); (b) melt-spinning the compositions through a spinneret to form at least one bicomponent fiber having either a side-by-side or eccentric sheath-core cross-

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section; (c) passing the fiber through a quench zone below the spinneret; (d) optionally winding the fibers or placing them in a can; (e) drawing the fiber; (f) heat-treating the drawn fiber; and (g) cutting the fibers into about 0.5 to about 6 inches staple fiber.

Allowable Subject Matter

2. Claims 1-20 are allowed. The following is an examiner's statement of reasons for allowance: The claims are allowable because the claims are drawn to a process of making the patented product of patent number 6,641,916 and the process claims include all of the limitations of the claims drawn to a product in parent US patent 6,641,916. In accordance with *In re Ochiai*, the process of making is deemed allowable. *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995). See MEPE §2116.01.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David T. Beck whose telephone number is 571-272-2942. The examiner can normally be reached on Monday - Friday, 8AM - 5:30PM.

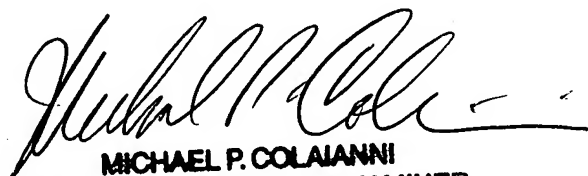
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 517-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DTB
January 28, 2005

DTB



MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER